Department of Justice Canada

2010-11

Departmental Performance Report

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Minister of Justice and Attorney General of Canada

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Minister's Message

I am pleased to report on the achievements of the Department of Justice for 2010-2011.

Over the past year, my Department has done outstanding work to improve Canada's justice system and deliver effective and responsive legal services.

The Department has been instrumental in providing excellent advice and support for the Government's efforts to make our streets and communities safer and stand up for the rights of victims and law-abiding Canadians.

The Department has also played a role in supporting Government priorities through providing legal services to departments involved in strengthening Canada's financial system and implementing Canada's Economic Action Plan.

In addition, the Department has continued to implement administrative initiatives to ensure the delivery of high quality legal services across government, as well as improve financial management and renew its management systems.

As Minister of Justice and Attorney General of Canada, I am confident that the many dedicated and professional public servants at the Department of Justice will continue to devote their skills and leadership to further strengthening the Department and our system of justice.

I invite you to read this report for further details on my Department's progress in ensuring that our justice system delivers justice and in supporting the priorities of the Government of Canada.

The Honourable Rob Nicholson, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada

SECTION I: ORGANIZATIONAL OVERVIEW

Raison d'être

The Mission of the Department of Justice is to:

- support the Minister of Justice in working to ensure that Canada is a just and law-abiding society with an accessible, efficient and fair system of justice;
- provide high-quality legal services and counsel to the government and to client departments and agencies; and
- promote respect for rights and freedoms, the law and the Constitution.

Responsibilities

The Department of Justice is headed by the Minister of Justice and Attorney General of Canada. The responsibilities associated with the dual role of Minister of Justice and Attorney General are set out in the *Department of Justice Act* and some 49 other Acts of Parliament. The Department of Justice fulfils three distinctive roles within the Government of Canada, acting as:

- a policy department with broad responsibilities for overseeing all matters relating to the administration of justice that fall within the federal domain;
- a provider of a range of legal advisory, litigation and legislative services to government departments and agencies; and
- a central agency responsible for supporting the Minister in advising Cabinet on all legal matters.

Strategic Outcomes and Program Activity Architecture

The Department's two strategic outcomes reflect the dual role of the Minister of Justice and Attorney General of Canada. The Minister of Justice is concerned with questions of policy, particularly as these relate to his role as steward of the Canadian justice system. The Attorney General is the chief law officer for the Crown.

The following graphic presentation of the Program Activity Architecture gives an overview of the activities and programs for which the Department is responsible, showing the linkages between strategic outcomes, program activities and sub-activities.

Department of Justice Program Activity Architecture

Strategic Outcomes

SO1 *A fair, relevant and accessible justice system that reflects Canadian values*

SO2 *A federal government supported by effective and responsive legal services*

Program Activities

A1 Justice policies, laws and programs

Sub-activities

- Criminal Justice
- Family Justice
- Access to Justice
- Aboriginal Justice
- Private International and Public Law

A2 Office of the Federal Ombudsman for Victims of Crime[1]

B1 Services to government

Sub-activities

- Justice and Government at Large Portfolio
- Aboriginal Affairs Portfolio
- Business and Regulatory Law Portfolio
- Central Agencies Portfolio
- Public Safety, Defence and Immigration Portfolio
- Tax Law Services Portfolio

C1 Internal Services

• Governance and Management Support • Resource Management Services • Asset Management Services

[1] The Ombudsman's Office is included within the Department of Justice Program Activity Architecture because resources for the Office are transferred from the Justice appropriation. However, while the Deputy Head of the Ombudsman's Office reports directly to the Minister of Justice, he or she exercises delegated authorities that are separate from those of the Deputy Minister of Justice. Since the Office is not part of the Department of Justice Canada governance framework, it is therefore not part of the Department's Performance Measurement Framework.

Organizational Priorities

Priority Status Legend

Exceeded: More than 100 percent of the expected level of performance for the priority identified in the corresponding Report on Plans and Priorities (RPP) was achieved during the fiscal year.

Met All: 100 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Mostly Met: 80 to 99 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Somewhat Met: 60 to 79 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Not Met: Less than 60 percent of the expected level of performance for the priority identified in the corresponding RPP was achieved during the fiscal year.

Priority: Develop law reform proposals to tackle crime and to support safe and resilient communities	**Type**[2]**:** Previously committed to	**Program Activity A1** - Justice policies, laws and programs

Status: Met All

- The Minister of Justice tabled 15 bills (up one from last year), of which six were passed and received Royal Assent.
- In order to modernize the law and provide law enforcement with new investigative tools to respond to new technologies, the Department developed Bill C-50, the *Improving Access to Investigative Tools for Serious Crimes Act*, to clarify the wiretap provisions and supported the re-introduction of the *Investigative Powers for the 21st Century Act* (Bill C-51), which proposed amendments to the *Criminal Code* that would update language and provide new tools for law enforcement. This will enhance capacities to investigate cybercrime and increase Canada's capacity to cooperate internationally in this area.
- The Department developed the *Regulations Prescribing Certain Offences to be Serious Offences* under the *Criminal Code* in order to provide more flexibility in responding to the threats posed by organized crime groups. The Regulations designate 11 specific offences addressing gambling, prostitution and drug activity as "serious offences" for which the maximum punishment will be at least five years' imprisonment.
- The Department supported international initiatives to tackle crime, including the development of the G8 Leaders' Statement on Countering Terrorism and workshops sponsored by the United Nations Office on Drugs and Crime, and enhanced international crime prevention and anti-terrorism capacity building. These initiatives also served to strengthen the legal framework for international cooperation in addressing organized crime, security and terrorism.

[2] Type is defined as follows: **Previously committed to** – committed to in the first or second fiscal year before the subject year of the report; **Ongoing** – committed to at least three fiscal years before the subject year of the report; and **New** – newly committed to in the reporting year of the Departmental Performance Report.

Priority: Actively participate in initiatives to tackle crime and to support safe and resilient communities	**Type:** Ongoing	**Program Activity A1** - Justice policies, laws and programs

Status: Met All

- In support of safe and resilient communities, two new funding priorities were implemented this year, under the Federal Victims Strategy, to support:
  1. victim services for families of missing and murdered Aboriginal women; and
  2. child advocacy centres for children and youths who have been victims of crime or witnesses to crime.
- The following two components, under the Justice Partnership and Innovation Program, were furthered in 2010-11 to address issues related to missing and murdered Aboriginal women:
  1. awareness materials on breaking cycles of violence and abuse were developed under the Family Violence Initiative; and
  2. school-based and community programs to provide alternatives for high-risk young Aboriginal women were supported under the Access to Justice for Marginalized Populations component.
- The Department led the National Anti-Drug Strategy, which provides a focused approach to addressing crime associated with illegal drugs. This year's initiatives included the consideration of a bill to address serious drug crimes by proposing minimum penalties, which was introduced on May 5, 2010.
- The Department also ensured that Canadian interests were considered on the world stage by participating in the Hemispheric Drug Strategy at the Organization of American States.
- The Department worked with Canadian agencies and foreign administrations to enhance cross-border law enforcement and extradition to advance the next generation of integrated law enforcement bilateral operations and counter-terrorism.

Priority: Direct and indirect support for implementation of Government priorities	**Type:** Ongoing	**Program Activity B1** - Services to Government

Status: Met All

The Department provided legal services to support client departments in implementing Government priorities. Examples include:

- **Implementing** Canada's Economic Action Plan by providing legal services that supported activities related to Canada's infrastructure renewal, program delivery, environmental evaluations and consultations, all of which contributed to enhancing Canada's economic recovery.
- **Strengthening Canada's financial system** by providing legal advice with respect to fiscal, economic and tax issues. The proper functioning of the harmonized sales tax revenue allocation framework was supported, as were the Government's increased efforts to collect outstanding taxes and manage the level of tax debt. The Department reviewed measures to regulate federally regulated financial institutions and defended Parliament's authority to enact securities legislation. Amendments to private and public pension legislation and regulations were also supported.
- **Ensuring the defence and security of Canada and safeguarding Canadians** by enhancing information sharing between Canadian government departments and agencies and foreign entities in an effort to improve Canada's ability to identify and deal with threats to national security. In order to continue to address the harms caused by prostitution, the Government appealed the Ontario Superior Court of Justice decision that provisions of the *Criminal Code* related to prostitution are unconstitutional (in *Bedford et al. v. AGC*). The Department also successfully defended the constitutionality of the security certificate provisions of the *Immigration and Refugee Protection Act* at the Federal Court.

- **Strengthening Canada's response to migrant smuggling** by providing legal services in response to the arrival of the marine vessels *Ocean Lady* (October 2009) and *Sun Sea* (August 2010), which carried 76 and 492 illegal migrants, respectively. The arrival of these vessels presented serious challenges to the operations of several departments and agencies of the Government of Canada. The Department promptly responded to the increase in demand for legal services that flowed as a consequence of those arrivals.
- **Supporting sustainable development** by providing advice to its clients on the implementation of the *Federal Sustainable Development Act*, particularly in respect of the federal sustainable development strategy, finalized in October 2010. The Department also drafted a variety of regulatory measures to protect the environment (including those related to the Chemicals Management Plan) and received the Community of Federal Regulators Award for work on the *Passenger Automobile and Light Truck Greenhouse Gas Emission Regulations* and the *Renewable Fuels Regulations*. The Department also introduced a template for preparing sustainable development checklists for legal services and a template to ensure that such criteria are considered during the development of all policies and programs.

Priority: Public Service Renewal	**Type:** Ongoing	**Strategic Outcome I** - A fair, relevant and accessible justice system that reflects Canadian values **Strategic Outcome II** - A federal government supported by effective and responsive legal services

Status: Met All

The Department is taking steps to renew, develop and sustain its work force to meet its business goals. Some highlights include the following:

- In support of renewing the work force and supporting the Law Practice Model, 124 entry-level counsel and 89 articling students were recruited.
- The Department successfully carried out the requirements to implement the first Collective Agreement for the Law Group (LA), ensuring that the supporting infrastructure (i.e. systems, policies, and processes) were aligned to the new provisions for the represented Law Group.
- In the context of the accurate description of work, the Department completed the work required for the creation of the manager stream as part of the Law Group Classification Reform in addition to pursuing work for the creation of generic job descriptions for the legal practitioner stream. In order to meet the new mandatory continuing professional development requirements introduced by some of the Canadian Law Societies, the Department successfully sought the accreditation of numerous departmental courses that meet these mandatory requirements.
- The Department's solid performance in employment equity was maintained for the second year in a row, with a strong rating on employment equity, and ranking first out of 49 departments in the Management Accountability Framework assessment. The Department was also cited as a model in employment equity in the Treasury Board Secretariat's *Employment Equity in the Public Service of Canada* annual report for building a positive workplace culture and for strengthening its leadership in this area. In addition, the Department received the Employment Equity and Diversity Public Service Award of Excellence for its outstanding contribution to making the Department of Justice an inclusive workplace. This included, for example, the exceptional work in developing and launching the Department's Employment Equity Action Plan (2010-13).

Priority: Implementation of the Law Practice Model for the delivery of legal services across government	**Type:** Ongoing	**Strategic Outcome II** - A federal government supported by effective and responsive legal services

Status: Mostly Met

The Department began implementation of the Law Practice Model in 2009-10, and expects it will be fully implemented by March 31, 2012. As part of the gradual implementation of the Law Practice Model, the mix of counsel in the Department has been realigned, primarily through increased recruitment of junior counsel and attrition of more senior counsel. Progress is presented in the following table:

Professional Group and level[3]	Target (proportion of LA work force)	2010-11 proportion of LA work force	2009-10 proportion of LA work force
LA-01 and below	25.5%	22.1%	16.7%
LA-2A	47.0%	48.0%	50.4%
LA-2B and above	27.5%	29.9%	32.9%

The Law Practice Model is achieving efficiencies and flexibilities in the management of resources devoted to the delivery of legal services across government through closer monitoring and matching of assigned work based on legal practitioner competencies, giving consideration to the complexity of work, the level of expertise, and the level of legal risk associated with each file.

Priority: Improved support for law practice management across government	**Type:** Ongoing	**Strategic Outcome II** - A federal government supported by effective and responsive legal services

Status: Mostly Met

The Department is creating efficiencies by developing and enhancing tools and processes related to knowledge management, legal risk management, information sharing, and quality assurance. Most of the planned initiatives were completed during this reporting period. The remaining initiatives will be completed over a longer period. Among the initiatives completed in 2010-11, the Department:

- developed and piloted a working prototype of a national legal knowledge management repository that will provide one system for capturing and sharing comprehensive legal knowledge;
- completed pilot projects to support a harmonized yet flexible approach for legal risk management;
- introduced an accountability framework to support consistency in the development and implementation of Memoranda of Understanding related to the provision of legal services;
- developed a prototype management dashboard to support the planning and management of resources and the demand for legal services;
- implemented case management application enhancements to support managers in validating overtime, to support new reporting requirements pertaining to contingent liabilities and gains, and to enable reporting on legal services effort on the basis of the Department's revised Chart of Accounts; and
- developed and launched the second generation of the Legislative Information Management System for the on-line publication of laws.

[3] The acronyms LA-01, LA-2A and LA-2B refer to different classification levels inside the Law Group, LA-01 being the first classification level.

Priority: Renewal of departmental systems	**Type:** Ongoing	**Strategic Outcome I** - A fair, relevant and accessible justice system that reflects Canadian values **Strategic Outcome II** - A federal government supported by effective and responsive legal services

Status: Met All

The Department developed an implementation strategy to ensure the integration of departmental financial, case management and information management systems, resulting in improved efficiency. Activities completed include the following:

- The Department's financial accounting system was aligned with the Government of Canada standard operating system and prepared for future integration with other systems, including the departmental case management system, which will allow for consistent and integrated planning and reporting.
- Technical changes were made to the Department's case management system in order to support the latest Web browser, office productivity suite, and document security permissions.
- The Department led the functional development, configuration and implementation of the proof of concept and pilot projects related to the Enterprise Information Management Service, hosted by the Government of Canada, along with other departments and agencies.

Priority: Enhance financial management framework	**Type:** Ongoing	**Strategic Outcome I** - A fair, relevant and accessible justice system that reflects Canadian values **Strategic Outcome II** - A federal government supported by effective and responsive legal services

Status: Met All

The Department has implemented consistent, standardized departmental practices and processes that meet Treasury Board financial management policy requirements through the following measures:

- The Department approved a Budget Management Framework that defines the responsibilities and expectations for its management of financial resources, which is expected to result in strengthened and standardized budget and financial risk management processes and controls.
- A new Salary Forecasting Tool to replace the former system was implemented, providing a standardized and integrated platform for salary forecasting.
- A revised Chart of Accounts was put in place to enable the accurate and reliable recording of financial data in a manner consistent with central agency and parliamentary requirements.

Risk Analysis

Risks to Justice Policies, Laws and Programs

Many factors influence the Department of Justice's operating environment and pose potential risks to the Department's capacity to effectively deliver its policies, laws and programs. Primarily, the Department's ability to address funding challenges has been affected throughout the year by fiscal pressures that affect Justice programs. To address this risk area, the Department has remained prudent and responsive in its business planning and budget exercises, as well as in its staffing models. A greater focus was placed on high-priority initiatives to ensure that the Department remained well positioned to continue to deliver services to the Minister and the Government.

A second risk area is the increasingly complex and variable policy process. Through the Policy Sector's Transformation Initiative, the Department strengthened management and organizational capacity for change. The Department also enhanced collaboration, and supported succession planning and knowledge management initiatives. Furthermore, professional and personal development activities were supported to facilitate the adaptation of the work force to the increasingly complex policy work environment.

Finally, the Report on Plans and Priorities highlighted the risk that the complex operating environment could put a strain on the partnerships required for effective justice policy development and program delivery. To mitigate this risk, the Department took steps toward strengthening collaboration with its partners. This included the implementation of the Departmental Action Plan on Grants and Contributions Reform to simplify and reduce administration burdens on recipients by using a risk-based approach while strengthening accountability. Efforts also included convening four regional Aboriginal youth gang intervention forums with police, criminal justice personnel and community stakeholders, and a two-day forum with program managers and researchers to explore effective approaches for dealing with young people in conflict with the law and youths with drug abuse issues. The Department also took a leadership role on the Federal-Provincial-Territorial Steering Committee on Fetal Alcohol Spectrum Disorder and in implementing an engagement strategy with the Canadian Bar Association.

Risks to Legal Services to Government

In 2010-11, three interrelated risks were identified as factors that have the potential to adversely impact the Department of Justice's ability to deliver high-quality legal services to government. The first risk focussed on the ability to recruit and retain highly skilled legal professionals in a competitive environment. To mitigate this risk, the Department has continued to implement and monitor human resources action plans and associated recruitment and staffing strategies.

The second risk pertained to the corporate function capacity to support the delivery of legal services. To mitigate this risk, the Department reviewed its levels of management and support, and identified actions to ensure counsel had adequate levels of support from

direct management, administration, paralegals and legal assistants. In addition, investment in the corporate capacity was continued, based on a five-year strategy, which is reviewed annually.

The third identified risk related to the Department's ability to address the rapid changes in law practice management, particularly the volume of information that is crucial to effective management. In pursuit of mitigation strategies for this risk area, the Department focused on developing and enhancing tools and systems to support effective knowledge management, legal risk management, case management and quality assurance. In collaboration with an Interdepartmental Advisory Committee, the Department developed a paper on best practices for legal risk management to assist in the early identification of legal risks and help manage the demand for legal services across the federal government.

Summary of Performance

2010–11 Financial Resources ($ millions)

Planned Spending	Total Authorities[4]	Actual Spending
719.2	1,090.4	1,049.6

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
4,878	4,998	120

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian values

Performance Indicators	Targets	2010-11 Performance
Public confidence in the justice system	Level of public confidence in the justice system remains stable or improves	Met all In 2011, overall, the level of public confidence in the Justice System remained relatively stable, compared to 2009 levels: • Public confidence level in the Adult Criminal Justice System 2011: 50.5% (+3.77%) • Public confidence level in the Youth Criminal Justice System 2011: 39.7% (-1.45%)[5]
Canada's international ranking on whether or not justice is "fairly administered"	Canada's high relative international ranking on justice issues is maintained or improved	Met all Canada's ranking improved to the ninth place out of 59 countries in 2011[6] (up from 10th place in 2010)
Number of bills tabled in Parliament by the Minister of Justice	Not available[7]	Unable to assess[8] 15 bills tabled (of which six were passed and received Royal Assent)[9]

[4] Total Authorities include Net Vote Authority of $290.0M, which allows the Department to recover from other government departments and agencies some of the costs incurred to deliver legal services. The total amount recovered is $288.2M, which is included in Actual Spending.

[5] *Public Support for Legal Aid and Public Confidence in the Criminal Justice System (2011)* and *National Justice Survey: Mental Health Disorders in the Criminal Justice System (2009)*. These percentages are representative of the Canadian population within +/-2.5% (19 times out of 20). Due to a change in methodology, the percentages reported here are lower than percentages reported in the 2009-10 Departmental Performance Report. The change reflects a correction in the interpretation of the results based on a 10-point scale; where previously, a rating between 4 and 10 was interpreted as indicating confidence, a rating between 6 and 10 is now needed.

[6] *World Competitiveness Survey 2011 Yearbook*, Survey Question within Government Efficiency - Societal Framework: "Justice is fairly administered." Canada achieved an overall score of 8.41 on an index of 0-10.

[7] The identification of numerical targets is not possible for this indicator as the Minister's legislative agenda is largely driven by parliamentary business.

[8] No target was established in the Report on Plans and Priorities for this indicator, therefore it is impossible to assess how it was met.

[9] The six bills that received Royal Assent were Bill S-6, *Serious Time for the Most Serious Crime Act*; Bill S-9, *Tackling Auto Theft and Property Crime Act*; Bill C-21, *Standing up for Victims of White Collar Crime Act*; Bill C-22, *Protecting Children from Online Sexual Exploitation Act*; Bill C-30, *Response to the*

($ millions)

Program Activity	2009-10 Actual Spending	2010-11[10]				Alignment to Government of Canada Outcome
		Main Estimates	Planned Spending	Total Authorities	Actual Spending[11]	
A1 Justice policies, laws and programs	436.4	424.9	429.8	443.1	428.1	Social Affairs - A Safe and Secure Canada
A2 Office of the Federal Ombudsman for Victims of Crime	1.3	1.3	1.3	1.4	1.3	Social Affairs - A Safe and Secure Canada
Total	**437.7**	**426.2**	**431.1**	**444.5**	**429.4**	

Strategic Outcome II: A federal government that is supported by effective and responsive legal services

Performance Indicators	Targets	2010–11 Performance
• Client feedback on the quality of legal advisory, litigation, legislative and regulatory drafting services	• Attain mean score of 8.0/10 on each item for which client feedback is obtained	Exceeded (Interim Results)[12] • Legal advisory services: 8.4/10 • Litigation services: 8.2/10 • Legislative drafting services: 8.6/10 • Regulatory drafting services: 8.8/10
• Client feedback on Department of Justice performance against service standards for the delivery of legal services[13]	• Attain mean score of 8.0/10 on each item for which client feedback is obtained	Not Met (Interim Results)[12] • Overall quality of services: 8.4 • Five of the ten service standards received a score of 8.0/10 or higher[14]

Supreme Court of Canada Decision in R. v. Shoker Act; and Bill C-48, *Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act*. The nine other bills that died on the Order Paper at the dissolution of Parliament on March 26, 2011 were Bill C-4, *Sébastien's Law (Protecting the Public from Violent Young Offenders)*; Bill C-16, *Ending House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders Act*; Bill C-17, *Combating Terrorism Act*; Bill S-10, *Penalties for Organized Drug Crime Act*; Bill C-50, *Improving Access to Investigative Tools for Serious Crimes Act*; Bill C-51, *Investigative Powers for the 21st Century Act*; Bill C-53, *Fair and Efficient Criminal Trials Act*; Bill C-54, *Protecting Children from Sexual Predators Act*; and Bill C-60, *Citizen's Arrest and Self-defence Act*.

[10] Commencing in the 2009-10 Estimates cycle, the figure for resources for Program Activity C1- Internal Services is displayed separately from other program activities, since they are no longer distributed among the remaining program activities, as was the case in previous Main Estimates. This has affected the comparability of spending and FTE information by program activity between fiscal years.

[11] Actual Spending by Program Activity was realigned after the submission of the 2010-11 Public Accounts.

[12] These interim results reflect feedback received from the nine client departments surveyed in 2010-11. The complete results of the survey will be available in 2012.

[13] Service standards are available at http://www.justice.gc.ca/eng/dept-min/service.html.

[14] These results are further discussed under the Lessons Learned for Program Activity B1 - Services to Government.

($ millions)

Program Activity	2009–10 Actual Spending	2010–11				Alignment to Government of Canada Outcome
		Main Estimates	Planned[15] Spending	Total[16] Authorities	Actual[17] Spending	
B1 Services to Government	442.7	181.9	183.4	494.4	455.5	Government affairs - Ensuring well-managed and smoothly operating government machinery

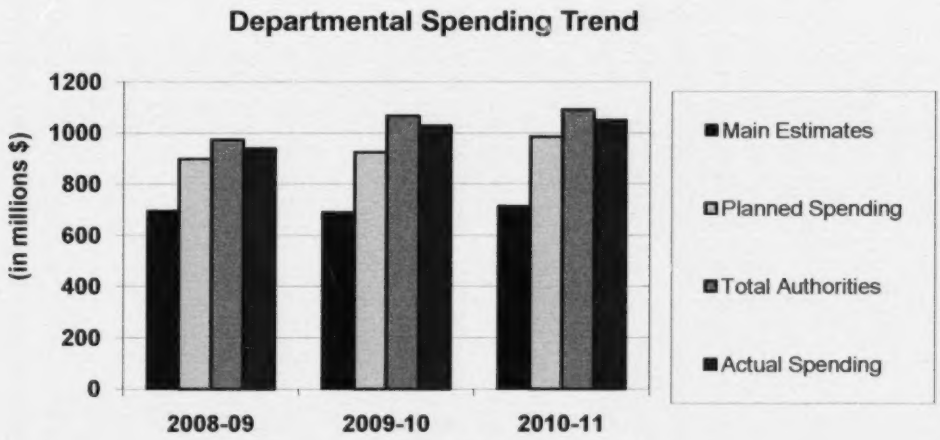
($ millions)

Program Activity	2009–10 Actual Spending	2010–11			
		Main Estimates	Planned[18] Spending	Total[19] Authorities	Actual[20,21] Spending
C1 Internal Services	147.50	104.1	104.8	151.6	164.7

[15] Planned Spending excludes anticipated legal services costs of $265M for the provision of legal services to other government departments and agencies.
[16] Total Authorities include Net Vote Authority of $262.9M.
[17] Actual Spending by Program Activity was realigned after the submission of the 2010-11 Public Accounts.
[18] A portion of the Net Vote Authority was allocated to Internal Services during fiscal year 2010-11 which is not included in the Planned Spending.
[19] Total Authorities include Net Vote Authority of $27.1M.
[20] Actual Spending is higher than Total Authorities due to the misalignment of the Net Vote Authority between the two Program Activities, Services to Government and Internal Services and also internal reallocations to support Department-wide investments and projects.
[21] Actual Spending by Program Activity was realigned after the submission of the 2010-11 Public Accounts.

Expenditure Profile

As presented in the graph below, the Main Estimates totalled $712.3M in 2010-11. The Department also received funding through the Supplementary Estimates in the amount of $42.0M. The Department's total authorities include Net Vote Authority of $290.0M, which allows it to spend revenues generated from the provision of legal services to other government departments.



Departmental spending has increased over the last three years by 12%, for a net increase of $112.1M, with totals of $937.6M in 2008-09, $1,027.9M in 2009-10, and $1,049.6M in 2010-11. This increase is due primarily to increasing demand for legal services from other government departments and agencies; mandatory retroactive compensation for counsel (2009-10 arbitral award); and to increasing transfers to provinces and territories.

Estimates by Vote

For information on the Department of Justice's organizational votes and/or statutory expenditures, please refer to the 2010-11 Public Accounts of Canada (Volume II). An electronic version of the Public Accounts is available at http://www.tpsgc-pwgsc.gc.ca/recgen/txt/72-eng.html.

SECTION II: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

Strategic Outcome I: A fair, relevant and accessible justice system that reflects Canadian values

Strategic Outcome	
SO1	*A fair, relevant and accessible justice system that reflects Canadian values*
Program Activities	
A1	Justice policies, laws and programs
	Sub-activities • Criminal Justice • Family Justice • Access to Justice • Aboriginal Justice • Private International and Public Law
A2	Office of the Federal Ombudsman for Victims of Crime

Ensuring that the justice system is fair, relevant and accessible and that it reflects Canadian values is a responsibility that does not lie with the Department of Justice alone; rather, it involves a broad range of players, including Parliament, the judiciary, federal departments and agencies, partners in provincial, territorial and municipal governments, a broad range of non-governmental organizations and stakeholders, and, ultimately, all Canadians.

The Department plays a major part in this by carrying out its fundamental role in establishing, maintaining and refining the national legal framework. It also exercises a leadership role in consulting and collaborating with federal, provincial, territorial, municipal and non-governmental partners to identify and address issues that affect the fairness, accessibility and relevance of the Canadian justice system.

This Strategic Outcome is supported by two program activities: Justice policies, laws and programs and the Office of the Federal Ombudsman for Victims of Crime.

Program Activity A1: Justice policies, laws and programs

Under Canada's federal system, the administration of justice is an area of shared jurisdiction between the federal government and the provinces. Through this program activity, the Department fulfils its responsibility to ensure a bilingual and bijural national legal framework for the administration of justice by developing policies and laws and testing innovative approaches to strengthen the framework within the following domains: criminal law, youth criminal justice, sentencing, marriage and divorce, access to justice and Aboriginal justice. Through this program activity, the Department also provides significant ongoing funding to provinces and territories in support of their responsibility for the day-to-day administration of justice.

2010–11 Financial Resources ($ millions)

Planned Spending	Total Authorities	Actual Spending[22]
429.8	443.1	428.1

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
361	366	5

Expected Results	Performance Indicators	Targets[23]	Performance Status[24]
A sustainable national justice system	Trends in per capita spending by all levels of government in Canada on the justice system	Not available	Total criminal justice spending for 2009 was $14.9 billion or $442 in per capita costs.[25] Compared to 2008, when total criminal justice spending was $14.2 billion or $426 per capita, criminal justice spending increased by approximately 5%.[26]
	Trends in lag time from charges to court resolution		Average time from charges to court resolution: 220 days in 2009-10 (nine days shorter than previous year).[27]
	Trends in crime indexes		Police-reported Crime Rate declined by 5% in 2010 compared to the previous

[22] Actual Spending by Program Activity was realigned after the submission of the 2010-11 Public Accounts.

[23] Targets are not available as none were identified in the Report on Plans on Priorities. Revised expected results and performance indicators will be available in the 2012-13 Report on Plans and Priorities and corresponding targets will be included.

[24] As targets are not available, it is impossible to assess how these were met. The performance status therefore summarizes results achieved during the reporting period and/or year-over-year changes based on the most recent data available.

[25] Estimated total criminal justice spending comprises: (1) Police expenditures – estimated using the proportion of total time spent by police on crime-related activities (65%) and includes salaries, benefits, and other operating expenses such as accommodation costs, fuel, and maintenance; capital expenditures, funding from external sources, revenues, and recoveries are not included; (2) Court expenditures – estimated, as no current data are available; most recent official information on court expenditure was collected in 2002-03; (3) Prosecution expenditures – estimated, as no current data are available; most recent official information on court expenditure was collected in 2002-03; (4) Legal aid expenditures – estimated for criminal matters only as, with the exception of the direct legal services expenditure, there is no breakdown between criminal matters and civil matters for central administration and other costs; (5) Corrections expenditures – both operating and capital expenditures are included. Provincial capital expenditures are estimated using the proportion that federal capital costs represent relative to federal operating expenditures. In addition, as there is no cost information available for youth corrections in Canada, these costs are estimated based on the information that youth correction costs are approximately 25% of the adult correction costs, according to a 1997 report by Statistics Canada.

[26] Statistics Canada, Canadian Centre for Justice Statistics (CCJS), *Police Resources in Canada*, 2010; Statistics Canada, CCJS, *Overview of the Courts Personnel and Expenditures Survey*, 2002-03; Statistics Canada, CCJS, *Overview of the Prosecution Personnel and Expenditures Survey*, 2002-03; Statistics Canada, CCJS, *Legal Aid in Canada: Resource and Caseload Statistics*, 2009-10; Statistics Canada, CCJS, *Adult Correctional Services in Canada*, 2007-2008 *reference table*; Statistics Canada, CCJS, *Justice Spending in Canada*, 1997.

[27] Statistics Canada, CCJS, *Adult Criminal Court Survey (2011)*

Expected Results	Performance Indicators	Targets[23]	Performance Status[24]
			year[28]; Severity of crime (according to the Crime Severity Index) declined by 6% in 2010[29] compared to the previous year.[30]
Criminal law is reformed to respond to emerging issues	Trends in justice process	Not available	Average length of case from first to last appearance: 220 days in 2009-2010 (nine days shorter than in previous year).[31]
	Trends in outcome fairness		In 2009-10, the average (mean) custodial sentence for crimes: • against the person was 241 days; • against property was 110 days. The average custodial sentence for all other *Criminal Code* offences, excluding traffic offences was 114 days.[32, 33]
	Trends in the ratio of chargeable incidents to charges laid for criminal offences		In 2010, charges were laid in 27.5% of the chargeable incidents, including traffic offences (down 0.1 % from previous year).[34]
Canadians have a positive perception of the criminal justice system	Trends in self-reported victimization	Not available	In 2009, 27% of Canadians aged 15 years and older reported being the victim of crime; 30% of which was violent in nature, while 70% was non-violent. These most recent results are similar to results from 2004.[35]
	Trends in public perceptions of personal safety		In 2009, 47.6% of Canadians reported to be very satisfied with their personal safety and 45.1% reported to be somewhat satisfied.[36]. These results are similar to the General Social Survey findings from 2004.
	Trends in public perceptions of the justice system		In 2011, 50.5% of Canadians attested confidence in the adult criminal justice system and 39.7% reported confidence in the youth criminal justice system. Results

[28] Statistics Canada, *Police-reported crime statistics in Canada, 2010* (http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11523-eng.pdf)

[29] Ibid.

[30] According to *Police-reported crime statistics in Canada, 2010*: "In contrast to most types of crime, increases were reported in the rates of child pornography offences (+36%), firearm offences (+11%), criminal harassment (+5%), and sexual assault (+5%). Drug offences also increased in 2010 (+10%), driven primarily by a higher number of cannabis offences. The overall increase continues the upward trend that began in the early 1990s." (http://www.statcan.gc.ca/pub/85-002-x/2011001/article/11523-eng.pdf)

[31] Statistics Canada, CCJS, *Adult Criminal Court Survey (2011)*.

[32] Ibid.

[33] A trend cannot be established because fluctuations in the volume of criminal incidents year after year render comparisons inappropriate.

[34] Statistics Canada, CCJS, *Uniform Crime Reporting Survey (2011)*

[35] Statistics Canada, *Criminal Victimization in Canada, 2009* (Most recent available data are based on the *2009 General Social Survey*. The survey is conducted every five years).

[36] *2009 General Social Survey*

Expected Results	Performance Indicators	Targets[23]	Performance Status[24]
			remained relatively stable compared to 2009.[37]
Increased compliance by parents with the terms and conditions of family support, custody and access obligations	Trends in compliance/non-compliance with family law obligations	Not available	In 2010-11, there were, 21,255 applications to locate debtors in default of child support obligations[38] (11% fewer than in 2009-10). In 2010-11, there were 9,625 licence denials against persistent defaulters (12% fewer than2009-10).[39]
Equitable access to the justice system	Public perceptions regarding access to justice	Not available	20% of Canadians strongly agree, and 53% somewhat agree, that the laws and justice system are fair.[40]
	Number of stays in proceedings due to lack of counsel		There was no stay in Public Safety and Anti-terrorism proceedings or in federal prosecution cases where there was a court-ordered counsel[41]
	Number of instances of court-ordered counsel		The Department entered into 45 funding agreements for the provision of counsel with provinces, territories or their legal aid delivery entities, when mandated by the court to avoid a stay in proceedings.[42]
Increased involvement of Aboriginal communities in the local administration of justice	Number of communities with Aboriginal Justice Strategy projects	Not available	144 Aboriginal Justice Strategy community-based justice programs (up two from the previous year) serving approximately 400 communities.[43]
	Number of communities undertaking capacity building and training to support the administration of justice		48 capacity building and training projects in Aboriginal communities (up one from the previous year).[44]
	Number of clients served by Aboriginal justice programs (year-over-year data)		Approximately 52,000 Aboriginal people, of whom 27% were women, received services from the Aboriginal Courtwork Program. 21 organizations funded to deliver programs under the Missing and Murdered

[37] *Public Support for Legal Aid and Public Confidence in the Criminal Justice System (2011)* and *National Justice Survey: Mental Health Disorders in the Criminal Justice System (2009)*. Due to a change in methodology, the percentages reported here are lower than percentages reported in the 2009-10 Departmental Performance Report. The change reflects a correction in the interpretation of the results based on a 10-point scale that was used in the study to determine confidence levels. Where a rate of 4 and above was previously interpreted as "attesting confidence", a rate of 6 and above has now replaced it.

[38] Department of Justice File Review

[39] Ibid.

[40] *Survey on Public Support for Legal aid and Public Confidence in the Criminal Justice System (2011)*

[41] Department of Justice File Review and Survey of Provincial and Territorial Partners

[42] Ibid.

[43] Department of Justice Grants and Contributions Information Management System

[44] Ibid.

Expected Results	Performance Indicators	Targets[23]	Performance Status[24]
			Aboriginal Women Initiative.

Performance Summary and Analysis of Program Activity

All departmental efforts under Program Activity A1, "Justice policies, laws and programs," support the Department's Strategic Objective 1, "A fair, relevant and accessible justice system that reflects Canadian values." In 2010-11, the Department continued to work to achieve the expected results that were set out for this program activity in the Report on Plans and Priorities.

A sustainable national justice system

In support of a sustainable national justice system, the Department of Justice continued to support the Government in reviewing its approach to addressing youth justice issues through legislative amendments, programming and events encouraging open dialogue with partners. The Department continued to manage the Youth Justice Services Funding Program,[45] and completed its renewal strategy in collaboration with provincial and territorial officials.

The Department has also been instrumental in supporting the Government's efforts to stand up for the rights of victims and law-abiding Canadians. A number of outreach activities were organized to enhance support services for victims of crime and a national Knowledge Exchange on Child Advocacy Centres was co-hosted by the Department, whereby representatives from police services, victim services, mental health and medical services, child advocacy, policy development, and academia participated.

Furthermore, a summative evaluation of the Federal Victims Strategy was completed in 2010-11.[46] It concluded that there is an ongoing need for the Strategy and that the Policy Centre for Victim Issues is fulfilling its mandate and achieves good results at low cost.

Criminal law is reformed to respond to emerging issues

In collaboration with provinces and territories, the Government sought to modernize and streamline the criminal justice process by maximizing the use of technology, simplifying procedures, and rationalizing police presence in court (e.g. introduction of Bill C-50, *Improving Access to Investigative Tools for Serious Crimes Act*; Bill C-53, *Fair and Efficient Criminal Trials Act*; and active participation in the development of a number of reports on the need to update the wiretapping provisions in the *Criminal Code*). The Department also developed law reform proposals on security and anti-terrorism (e.g. Bill C-17, *Combating Terrorism Act*).

[45] http://www.justice.gc.ca/eng/pi/pb-dgp/arr-ente/yjsfp-pfsji.html
[46] http://www.justice.gc.ca/eng/pi/eval/rep-rap/11/fvs-sfv/index.html

The Department worked with international partners to ensure that international legal frameworks – including the United Nations Convention against Transnational Organized Crime, and the protocols dealing with migrant smuggling and trafficking of persons, as well as those of the United Nations Commission on Crime Prevention and Criminal Justice – adequately combat organized crime and terror. The Department also worked to enhance cross-border law enforcement cooperation and developed proposals for extradition reform.

Canadians have a positive perception of the criminal justice system

One way the Department measures success in delivering a fair justice system is by assessing the confidence Canadians report in the criminal justice system. In 2011, Canadians continued to report having a positive perception of the justice system. Twenty percent of Canadians strongly agreed, and 53% somewhat agreed, that the Canadian justice system is fair. With respect to the criminal justice system, 50.5% of Canadians reported having confidence in the adult criminal justice system, while 39.7% of Canadians reported having confidence in the youth criminal justice system.[47] These numbers have remained relatively stable over the past few years.

Increased compliance by parents with the terms and conditions of family support, custody and access obligations

The Department continued its efforts to increase compliance of family support obligations. This year, more than $163 million was garnisheed for the benefit of Canadian families entitled to support payments, in response to 131,545 garnishee summonses.[48] Amendments are being proposed to the *Family Support Orders and Agreements Garnishment Regulations* to add the Apprenticeship Completion Grant and the Wage Earner Protection Program to the list of federal funds that may be garnisheed in satisfaction of family support and to allow provincial enforcement services to serve a garnishee summons by electronic communication. These were published in the *Canada Gazette*, Part I on February 19, 2011.

The Department worked closely with its provincial and territorial partners to promote family justice. In addition to law reform, the Department enhanced family justice services and programs and contributed to the development of family justice information resources, particularly those that promote compliance with family law obligations. This was achieved through new funding agreements with provincial and territorial governments and with non-government organizations.

The Department continued to implement the Survey of Maintenance Enforcement Programs and the Civil Court Survey to gather information relating to maintenance enforcement. Research conducted includes the collection of family justice data from the provinces and territories to determine levels of different outcomes for children upon

[47] *Public Support for Legal Aid and Public Confidence in the Criminal Justice System* (2011) and *National Justice Survey: Mental Health Disorders in the Criminal Justice System* (2009). These percentages are representative of the Canadian population within +/-2.5% (19 times out of 20).
[48] Statistics Canada, CCJS, *Survey of Maintenance Enforcement Programs*

separation and divorce. Additionally, a new initiative through a Memorandum of Understanding with Passport Canada will mean more effective passport suspensions or denials under the *Family Orders and Agreements Enforcement Assistance Act*.

Equitable access to the justice system

The Department seeks to improve access to justice in civil, family and criminal matters, recognizing that barriers to accessing justice, including high legal fees, the lack of reliable information, and overburdened courts, need to be addressed. While the vast majority of people take some action to resolve legal problems, very few resort to the formal justice system. This reaffirms the importance of providing high-quality information about the law and the justice system. In 2010-11, the Department provided access to justice through public legal education as well as funding through various programs to increase public knowledge about the legal system (e.g. Justice Partnership and Innovation Program, the Family Violence Initiative, the Aboriginal Courtwork Program, the Victims Fund). Under the Missing and Murdered Aboriginal Women Initiative, the Department also provided funding to 15 Aboriginal organizations to develop awareness material on breaking cycles of violence and abuse.[49]

As all levels of government are responsible for ensuring that the Canadian justice system is accessible, the Department also worked with provinces, territories and stakeholders. To ensure the right to a fair trial for individuals charged with a serious criminal offence that involves complex legal issues and where there is a likelihood of incarceration upon conviction, funding agreements are in place to provide counsel, when mandated by the courts, thereby avoiding stays in proceedings. The Federal-Provincial-Territorial Permanent Working Group on Legal Aid continued to facilitate information sharing and collaboration between the federal government and other jurisdictions, and funding agreements for criminal legal aid have been extended with all provinces until March 31, 2012. The Department has also implemented, with its partners, the training component of the Access to Justice in Both Official Languages Support Fund. This fund supported 27 projects to provide advanced training on legal terminology for bilingual justice professionals, curriculum development and recruitment strategies, and the development of linguistic training tools.

Increased involvement of Aboriginal communities in the local administration of justice

The Department continued to work collaboratively with provincial and territorial partners through regular meetings of the Aboriginal Justice Strategy Federal-Provincial-Territorial Working Group. These meetings enabled Aboriginal communities to have increased involvement in the local administration of justice; to provide timely and effective alternatives to mainstream justice processes in appropriate circumstances; and to decrease the rates of victimization, crime and incarceration among Aboriginal people through its program funding and information sharing. The Aboriginal Justice Strategy called for the delivery of five dialogue sessions across Canada with provincial and territorial

[49] http://www.justice.gc.ca/eng/news-nouv/nr-cp/2010/doc_32560.html

colleagues, funding recipients, and stakeholders to inform the Aboriginal Justice Strategy renewal process, which is guided by an overall renewal strategy.

Lessons Learned

The Department had planned to implement international technical legal assistance projects to promote freedom, democracy, human rights and the rule of law in Ukraine, Jamaica and the West Bank. Implementation of the projects went ahead in Ukraine and the West Bank. However, the project to support the modernization of the justice system in Jamaica did not begin as planned. The project is being redesigned and is expected to start in 2011-12. Lessons learned in the Jamaica project will be integrated in the elaboration of future initiatives.

The Department has also taken steps to ensure that it is better positioned to deliver justice programs and policies in a complex operating environment. In 2010-11, steps were taken towards strengthening collaboration with the Department's partners in the justice system. Efforts included the convening of regional Aboriginal youth gang intervention forums with police, criminal justice personnel and community stakeholders, as well as organizing and participating in workshops focused on mental health needs of youth, substance abuse and the National Anti-Drug Strategy to inform its policies and programs and support knowledge sharing with stakeholders.

Additionally, during the reporting period the Department followed up on a symposium held in 2009 on family violence with the creation of the Ad Hoc Federal-Provincial-Territorial Working Group on Family Violence. Its purpose is to further explore challenges posed by the different objectives and legal standards of the criminal and family justice system responses to family violence. Moving forward, these efforts to further knowledge sharing and strengthen collaboration will support the Department as it strategically aligns its resources with programs and initiatives that strengthen the overall system of justice and supports the Government's efforts to tackle crime and stand up for the rights of victims and law-abiding Canadians.

Program Activity A2: Office of the Federal Ombudsman for Victims of Crime

This program activity raises awareness of the needs and concerns of victims in areas of federal responsibility, provides an independent resource that addresses complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of offenders under federal supervision, and helps victims to access existing federal programs and services.

2010–11 Financial Resources ($ millions)

Planned Spending	Total Authorities	Actual Spending[50]
1.3	1.4	1.3

[50] Actual Spending by Program Activity was realigned after the submission of the 2010-11 Public Accounts.

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
9	11	2

The Office of the Federal Ombudsman for Victims of Crime was established in 2007 as an arm's-length program activity of the Department of Justice. The Ombudsman reports directly to the Minister of Justice and, as such, the Office falls outside the Department's governance framework. The Office receives corporate services support from the Department.

The mandate of the Federal Ombudsman for Victims of Crime, which relates exclusively to matters of federal responsibility, is:

- to promote access by victims to existing federal programs and services for victims;
- to address complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of crimes committed by offenders under federal jurisdiction;
- to promote awareness of the needs and concerns of victims and the applicable laws that benefit victims of crime, including promoting the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime* with respect to matters of federal jurisdiction, among criminal justice personnel and policy makers;
- to identify and review emerging and systemic issues, including those related to programs and services provided or administered by the Department of Justice or the Department of Public Safety, that negatively impact victims of crime; and
- to facilitate access by victims to existing federal programs and services by providing them with information and referrals.

For further information regarding the activities of the Office of the Federal Ombudsman for Victims of Crime, please visit the Office's Web site at http://www.victimsfirst.gc.ca/.

Strategic Outcome II: A federal government supported by effective and responsive legal services

Strategic Outcome	
SO2	*A federal government supported by effective and responsive legal services*
Program Activity	
B1	Services to government
	Sub-activities • Justice and Government at Large Portfolio • Aboriginal Affairs Portfolio • Business and Regulatory Law Portfolio • Central Agencies Portfolio • Public Safety, Defence and Immigration Portfolio • Tax Law Services Portfolio

Under the *Department of Justice Act*, the Minister of Justice and Attorney General of Canada provides legal services to the federal government and its departments and agencies. According to section 4 of the Act, the Minister is the legal member of the Queen's Privy Council responsible for seeing that the administration of public affairs is in accordance with the law. Additionally, under section 4.1, the Minister is responsible for drafting and reviewing all government regulations prior to registration to ensure conformity with the *Statutory Instruments Act* and all government bills prior to tabling in Parliament to ensure that the bills are not inconsistent with the *Canadian Charter of Rights and Freedoms*. Under section 5 of the Act, the Attorney General is responsible for advising the heads of government departments on all matters of law and for conducting all litigation for any federal department or agency of the Crown with respect to any subject within the authority or jurisdiction of Canada.

The Department seeks to attain this strategic outcome through one program activity: Services to Government.

Program Activity B1: Services to Government

As a common service provider, the Department of Justice provides an integrated suite of legal advisory, litigation and legislative services to departments and agencies to help them meet their policy and programming priorities and advance the overall objectives of the Government. Through this program activity, the Department also provides legal services to the Justice Portfolio and supports the Minister as legal advisor to the Cabinet on complex, whole-of-government issues.

2010–11 Financial Resources ($ millions)

Planned Spending[51]	Total Authorities	Actual Spending[52]
183.4	494.4	455.5

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
3,293	3,403	110

Expected Results	Performance Indicators	Targets[53]	Performance Status[54]
Comprehensive delivery on the Government's	Levels of effort dedicated to legislative files	Not available	249,339 hours were dedicated to 3,717 files.

[51] Planned Spending excludes anticipated legal services costs of $265M for the provision of legal services to other government departments and agencies.
[52] Actual Spending by Program Activity was realigned after the submission of the 2010-11 Public Accounts.
[53] Targets are not available as none were identified in the Report on Plans on Priorities. Revised expected results and performance indicators will be available in the 2012-13 Report on Plans and Priorities and corresponding targets will be included.
[54] As targets are not available, it is impossible to assess how these were met. The performance status therefore summarizes results achieved during the reporting period and/or year-over-year changes based on the most recent data available.

Expected Results	Performance Indicators	Targets[53]	Performance Status[54]
legislative agenda	Number of bills tabled in Parliament		59 bills were introduced.
	Number of regulations published in the *Canada Gazette*		• 135 regulations were examined for pre-publication in Part I of the *Canada Gazette*. • 438 regulations were examined for final approval and publication in Part II of the *Canada Gazette*. • 172 regulations were published in Part I of the *Canada Gazette*. • 318 regulations were published in Part II of the *Canada Gazette*.
	Number of motions to amend private members' bills for which the Department was responsible		60 motions for amendment were drafted for private members' bills.
Legal advisory services to support the Government in attaining its priorities	Levels of effort devoted to providing legal advisory services to client organizations	Not available	1,491,142 hours were dedicated to 38,228 files.
Representing the Crown's interest to enable the Government to attain its priorities	Levels of effort dedicated to litigation files	Not available	1,745,688 hours were dedicated to 45,415 files.
	Trends in levels of assessed risk of the litigation inventory		Of all the litigation files with a risk assessment, 57% were low-risk files, 41% medium-risk and 2% were high-risk.[55]
	Trends in the settlement of disputes through alternatives to litigation		The percentage of files settled through alternatives to litigation has remained constant over the last three years, averaging 26% per year.
	Trends in Crown results for litigation files – final litigation outcome indicators		Of all proceedings initiated by the Crown (in court or tribunal), 90% were allowed; of those initiated against the Crown, 75% were dismissed.

Performance Summary and Analysis of Program Activity

During the reporting period, the Department continued to build on its integrated suite of legislative, legal advisory and litigation services to support the Government in delivering its legislative agenda and attaining its priorities, and to represent the Crown's interest in court and tribunal proceedings.

The performance summary and analysis of program activity describes in further detail how the Department performed against its expected results and summarizes some of its

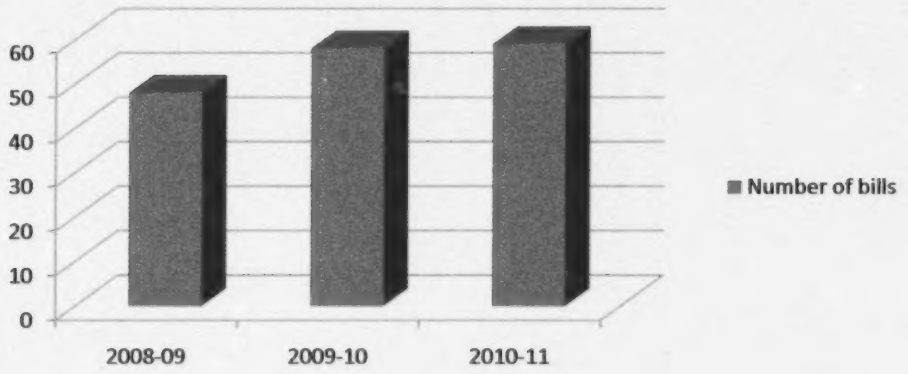
[55] Due to changes in the methodology used by the Department to classify files by levels of risk, comparison with previous years is not possible. Therefore, no trend can be identified.

key achievements towards fulfilling the commitments set out in the planning highlights of the Report on Plans and Priorities.

Comprehensive delivery on the Government's legislative agenda

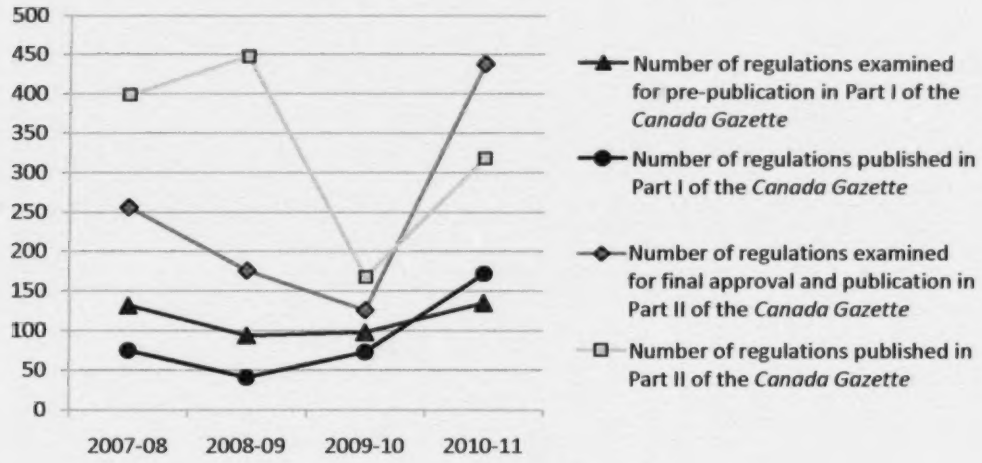
The number of bills tabled this year remained stable compared to the previous year – up 1 from the previous year (58 in 2009-10 and 59 in 2010-11). While the number of bills tabled has been somewhat constant in the past two fiscal years, the number of regulations published in the *Canada Gazette* has increased significantly in 2010-11. The number of regulations published in Part I of the *Canada Gazette* increased from 73 in 2009-10 to 172 in 2010-11, while the number of regulations published in Part II increased from 168[56] in 2009-10 to 318 in 2010-11. These efforts contributed to legally sound and effective bills and regulations being drafted on a timely basis to meet Government priorities.

Trends in the number of bills tabled in the House of Commons



[56] The number of publications reported last year (126) was found to be incorrect.

Trends in the number of regulations published in the *Canada Gazette*



Legal advisory services to support the Government in attaining its priorities

In 2010-11, a total of 1,491,142 hours were dedicated to 38,228 advisory files to support the Government in attaining its priorities. This represents an increase of approximately 3% from the previous year and can be attributed to an increased demand from clients. The advice provided enabled federal departments and agencies to be fully informed of legal issues and risks which promoted sound decisions.

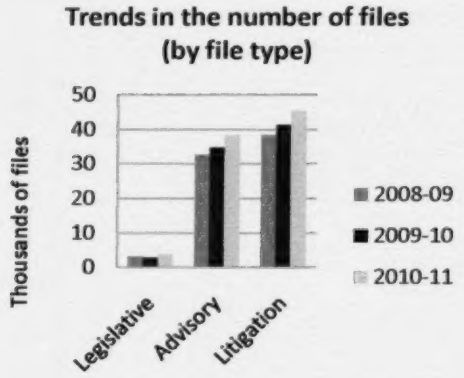
In order to promote continual improvement of the legal services that the Department provides to its clients in supporting the achievements of their priorities, the Department of Justice Canada Client Feedback Survey was developed to measure the satisfaction of client organizations. The survey is conducted on a three-year cycle basis, and preliminary results on the overall quality of legal advisory, litigation and legislative and regulatory drafting services were very positive. Overall ratings exceeded departmental targets for all four types of services, demonstrating the Department's success in delivering client-focused legal services. The complete departmental roll-up of results will be available in 2012.

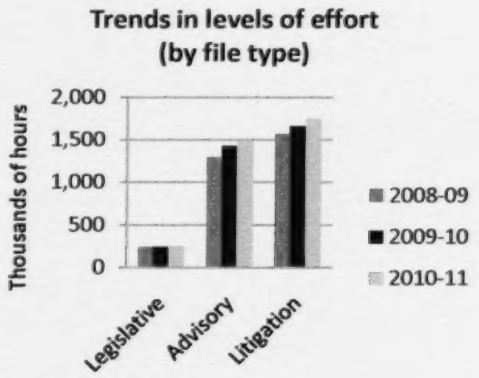
Department of Justice Canada Client Feedback Survey: Overall ratings (Interim results)

Legal advisory services	Litigation services	Legislative drafting services	Regulatory drafting services
8.4/10	8.2/10	8.6/10	8.8/10

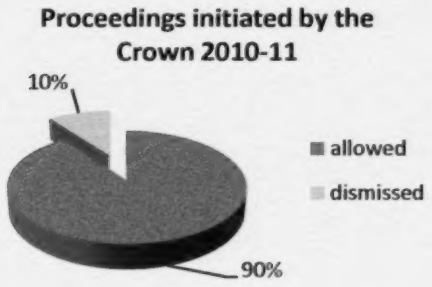
Representing the Crown's interest to enable the Government to attain its priorities

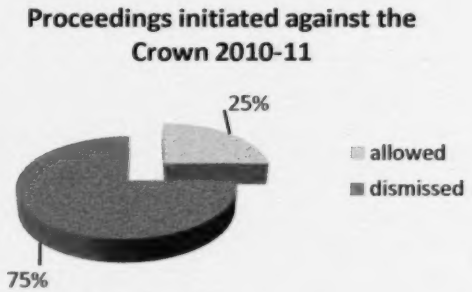
During the reporting period, client demand for litigation services continued to grow. In the past year, the level of effort required to provide litigation services to client departments increased by 5%.





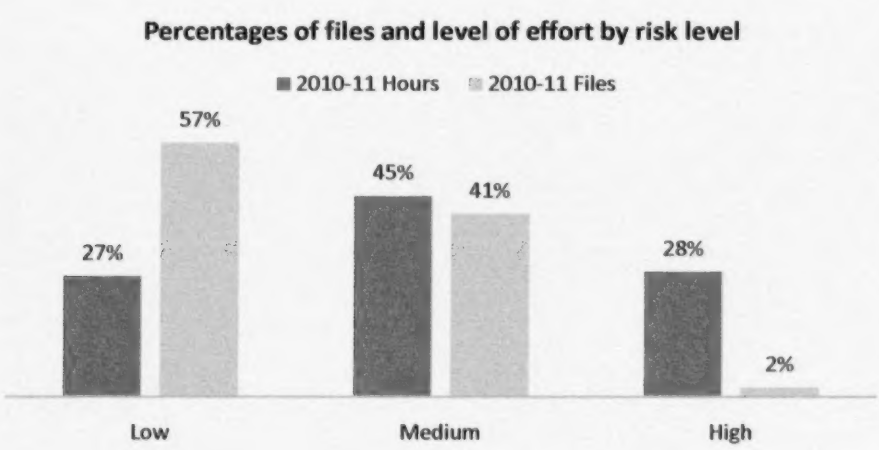
In 2010-11, 90% of all adjudicated proceedings initiated by the Crown were allowed (up from 88% during the previous reporting period), 75% of those initiated against the Crown were dismissed (up from 70% during the previous reporting period).





As presented in the following graph, while only accounting for 2% of litigation files, high-risk litigation accounts for 28% of the level of effort devoted to litigation across the Department. In contrast, low-risk files required approximately the same level of effort (27%), yet they make up almost 60% of the file inventory.[57]

[57] These percentages were calculated on the total number of files and hours for which a level of risk was assessed.



The Department closely monitors the risk profile of litigation files in order to allocate resources effectively. By continuing to work with client departments to identify and manage legal risks, the Department ensures high quality and timely legal advice and services.

Performance against planning highlights

The Department's activities in connection with the delivery of legal services are aligned with the Government Affairs spending area outlined in *Canada's Performance Report*. The Department of Justice supported other departments and agencies throughout the year in achieving their strategic outcomes and in delivering the Government's policy and legislative agenda. Specifically, the Department continued to contribute to "well-managed and efficient government operations." Below is a summary of the Department's performance against the planning highlights that were set out in the Report on Plans and Priorities with regard to the delivery of legal services.

Economic Affairs

As noted in the Report on Plans and Priorities, the Department of Justice had a key role in supporting government departments and agencies in continuing the implementation of Canada's Economic Action Plan. Legal Services participated in the drafting of bills that implemented Government policy as set out in Budget 2010. Ongoing legal support was also provided to Transport Canada and Infrastructure Canada in implementing the Economic Action Plan investments, including roads, bridges, community centres and green infrastructure projects. These efforts helped to create jobs, stimulate the economy, and support Canadian families.

Moreover, in support of the development of a Canadian securities regulatory regime, the Department provided legal advice to Finance Canada and drafted the *Canadian Securities Act*. Ongoing litigation services were also provided to address challenges to the proposed regime in the references heard by the Quebec and Alberta Courts of Appeal, as well as in

the Government of Canada's reference to the Supreme Court of Canada on Parliament's authority to implement a federal securities regulatory regime.

The Department also completed a number of activities to support the enhancement of Aboriginal economic development and to remove impediments. For example, it provided legal services and advice to Aboriginal Affairs and Northern Development Canada[58] in its work to address barriers in the *Indian Act* and in making progress on Bill S-4, *Family Homes on Reserves and Matrimonial Interests or Rights Act*.

Social Affairs

The Department provided advice to support a number of initiatives and activities related to public safety, defence and immigration matters. These include the development of legislative amendments to reform Canada's parole system,[59] the modernization of the Royal Canadian Mounted Police (RCMP) to respond to recommendations of the Brown Task Force on Governance and Cultural Change at the RCMP,[60] and the development of legislative amendments to strengthen Canada's response to migrant smuggling.[61]

Moreover, the Department continued to provide legal services to Aboriginal Affairs and Northern Development Canada in support of the Government's Specific Claims Action Plan. The Department made significant progress in accelerating the resolution of specific claims by clearing 85% of the backlog of inventory of more than 500 claims waiting for lawful obligation opinions in the context of the Specific Claims Policy. In fiscal year 2010-11, counsel supported 147 ongoing active negotiations and assisted in the settlement of 18 claims with a total value of more than $665 million. Similarly, counsel provided support to make progress on Bill S-11, *An Act Respecting the Safety of Drinking Water on First Nation Lands*.

In support of a reference filed by the Attorney General of British Columbia in 2009, counsel for the Attorney General of Canada defended section 293 of the *Criminal Code*, the provision which prohibits polygamy. The work of the Department has contributed to evidence regarding the harms of polygamy and to the interpretation and scope of the polygamy provision.

The Department of Justice provided litigation services in response to the judicial inquiry into the decline of sockeye salmon in the Fraser River, and developed a framework agreement with Aboriginal Affairs and Northern Development Canada for a long-term, sustainable approach to the management and resourcing of legal advisory services.

[58] Formerly Indian and Northern Affairs Canada.
[59] The Former Bills C-23, *Eliminating Pardons for Serious Crimes Act*, C-39, the *Ending Early Release for Criminals and Increasing Offender Accountability Act*, and C-59, the *Abolition of Early Parole Act*.
[60] More information about the Brown Task Force on Governance and Cultural Change in the RCMP is available at http://www.publicsafety.gc.ca/rcmp-grc/rcmp-tfr-eng.aspx.
[61] The Former Bill C-49, *Preventing Human Smugglers from Abusing Canada's Immigration System Act*.

International Affairs

In 2010-11, the Department supported Canada's efforts at the G8 summit and again at the G20 summit. To this end, the Department provided advice to support the preparation for the summits and litigation services in relation to proceedings launched following those events. Advice was also provided to support the implementation of G8 and G20 recommendations by proposing legislative or regulatory avenues to strengthen global financial regulation and counter money laundering activities.

The Department worked to support efforts to suppress funding for terrorism, which included the provision of litigation and legal advisory services with respect to an application for judicial review seeking to declare the *United Nations Al-Qaida and Taliban Regulations* invalid. Litigation services were also provided in high-profile national security cases, including those involving security certificates.

In order to defend Canada's interest in trade litigation and its negotiating position on economic harmonization in international organizations, Justice counsel monitored and gave advice on significant international trade or commercial arbitration cases. The Department advised Finance Canada on international trade negotiations.

Government Affairs

The Department defended the Government against 12 challenges to employment-related legislation, including the *Public Service Labour Relations Act* and the *Expenditure Restraint Act*, in which it is alleged that the right to freedom of association protected by section 2(*d*) of the Charter has been violated.

The Court upheld the position of the Crown against claims respecting federal superannuation accounts. The Department also defended challenges to the Supplementary Death Benefit schemes set out in the *Public Service Superannuation Act* and the *Canadian Forces Superannuation Act*, which resulted in a dismissal of the action by the Supreme Court of Canada.

The Department defended the Crown before the Ontario Court of Appeal in relation to claims by public sector unions, employee and retiree associations to excess credited amounts in federal superannuation accounts. The Court decided in favour of the Crown. The Department prepared for appeal of the decision to the Supreme Court of Canada by the Plaintiff.

The Department also supported preparation of the Federal Budget and the Fall Economic Update and prepared Budget 2010 and Budget 2011 implementation bills.

Lessons Learned

While the Client Feedback Survey preliminary results show that the Department's performance has exceeded the targets (8.0 on a 10-point scale) for the overall quality of each of its four types of legal services (legal advisory, litigation, legislative drafting and regulatory drafting services), there are some areas where there is room for improvement.

The Department's performance for five of the ten published service standards for the provision of legal services to government received a mean score higher than 8.0/10 (exceeding the departmental target). For three other standards it fell just shy of the target, with a mean score of 7.9/10. However, the results indicate that there is a need to focus efforts on providing clients with regular and informative feedback or progress reports on the status of legal files as well as further involving them in the development of positions.

It should be noted that these conclusions are based on interim results that only reflect the feedback from the nine client organizations surveyed in 2010-11. The final results of the Client Feedback Survey are expected to be available in 2012, after all client organizations have been surveyed. The performance measures for client satisfaction will also be reviewed when the final results are available.

Program Activity C1: Internal Services

Program Activity
C1 Internal Services
• Governance and Management Support • Resource Management Services • Asset Management Services

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These groups are: Management and Oversight Services; Communications Services; Legal Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; Acquisition Services; and Travel and Other Administrative Services. Internal Services include only those activities and resources that apply across an organization and not to those provided specifically to a program.

2010–11 Financial Resources ($ millions)

Planned Spending	Total Authorities	Actual Spending[62,63]
104.8	151.6	164.7

2010–11 Human Resources (FTEs)

Planned	Actual	Difference
1,215	1,218	3

[62] Actual Spending is higher than Total Authorities due to the misalignment of the Net Vote Authority between the two Program Activities, Services to Government and Internal Services and also internal reallocations to support department-wide investments and projects.

[63] Actual Spending by Program Activity was realigned after the submission of the 2010-11 Public Accounts.

Performance Summary and Analysis of Program Activity

In 2010-11, the Department continued to build on the sound management of its internal services to support the delivery of its mandate, paying particular attention to four priority areas identified in the Report on Plans and Priorities: law practice management, renewal of departmental systems and infrastructure, financial management, and public service renewal.

Law Practice Management

In 2010-11, the Department improved the productivity of its counsel and paralegals by developing and increasing access to new tools to support the practice of law. Among other things, the Department updated the legal commentary guide for the *Commercial Arbitration Act*; updated its inventory of model dispute resolution clauses and guides; improved the functionality of its legal case management system; advanced work on renewing the legal risk management system; and launched a project to develop performance measurement tools for alternative dispute resolution. The Department also continued to integrate gender-based analysis into all aspects of its work.

Renewal of departmental systems and infrastructure

The knowledge economy, connectivity and remote access to technology have become essential to many aspects of the Department's work. With more than a third of the Department's employees being co-located within client department offices and the growing number of teleworkers and others working remotely, the Department has made significant upgrades to adapt its systems and improve remote connectivity. This includes the pilot of a new virtual desktop technology that will ensure that all employees have access to all systems. This should be fully implemented by the end of 2011.

The Department completed the upgrade of its network infrastructure to meet government-wide standards in order to leverage government investments and provide the ability to quickly and easily upgrade to higher capacities.

Furthermore, the Department leveraged the Government of Canada high-availability data centre to continue improving business continuity and add functionality to services such as remote access, e-mail, and network optimizations.

Financial management

The Department continues to make progress in its action plans to address the financial management recommendations from the Office of the Auditor General's management letter, which stemmed from the unqualified audit opinion on the Department's 2008-09 financial statements.

As part of these plans, a number of improvements to financial controls were established in 2010-11, such as ensuring compliance with sections 32, 33 and 34 of the *Financial*

Administration Act and eliminating the use of manually prepared cheques, to be completed by March 31, 2012.

Other changes, primarily related to information technology systems controls over change management, user access, security administration and vendor creation, have continued to unfold as planned in conjunction with longer-term enhancements and upgrades of the financial system.

Public service renewal

In support of public service renewal, the Department continued to focus on the provision of legal training and development opportunities to enhance the legal skills and expertise of its legal professionals. This included, for example, the launch of a new mandatory National Legal Orientation Program for entry-level counsel. Several new courses were added to the legal education program. More than 114 legal courses (up from 90 in 2009-10) and nine conferences were delivered, attracting more than 4,000 participants in the National Capital Region and 600 in the regions through webcast or videoconference. The Department also launched the second cohort of the Justice Leaders of Tomorrow Program, which includes a new language training component of up to six months to better prepare employees to occupy positions of management and leadership.

Initiatives that were completed in support of the Department's commitment to employment equity and diversity include the implementation of employment equity goals in the Performance Management Agreement, which resulted in the closing of gaps and increases in representation of designated groups. Other initiatives, such as the delivery of 24 diversity awareness sessions to 2,379 employees (almost 50% of the work force), whereby 85% of participants reported improvement in their understanding and awareness of employment equity and diversity, helped to enable the culture change required to further support the attainment of a diverse and equitable workplace.

Efficiencies in the delivery of human resources services to managers are continuing to evolve with the use of improved technology to streamline and simplify processes as well as providing automation and self-service capability. For example, the Fast-Track Human Resources services were expanded to reduce the processing time in staffing and classification actions.

Lessons Learned

Engagement, interaction and knowledge sharing are critical to the successful development and implementation of law practice management initiatives. Implementing complex change takes time, and many variables affect how fast results are achieved. Consequently, to provide additional time for employees to adapt to new practices and processes, timelines were extended for the development of a quality assurance framework for legal services, renewal of the overall framework for legal risk management, deployment of a legal knowledge management portal, and the development of a performance measurement framework for alternative dispute resolution. Moving forward,

the Department will continue to carefully monitor progress made against established action plans and shift resources or re-evaluate timelines as appropriate.

In financial management, the project on payroll verification processes and procedures was put on hold following the Government's announcement of its intention to centralize pay in Miramichi, New Brunswick. However, this project is now being restarted since the Department will not be scheduled for centralization of pay before 2015. The new estimate for completion of the project is 2012-13.

On the public service renewal front, while the Department strengthened the connection between planned staffing actions and the associated planned salary expenditures, the implementation of this new process presented challenges. The use of the new Salary Forecasting Tool is beneficial, as are the new processes for completing the staffing plans. However, the introduction of these new tools has been challenging. In response, more integrated outreach and training will be undertaken, and communications and tools for all components of the business plans will be further refined for the next planning cycle.

SECTION III: SUPPLEMENTARY INFORMATION

Financial Highlights

Condensed Statement of Financial Position
As of March 31, 2011 ($ thousands)

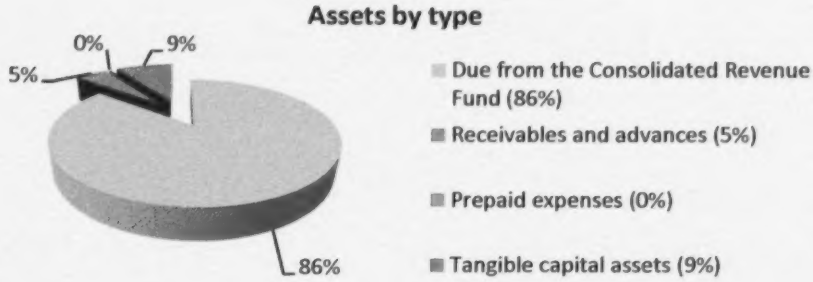
	% Change	2010-11	2009-10
Total assets	**-2.3%**	**492,892**	**504,433**
Total liabilities	-2.4%	571,634	585,355
Equity of Canada	-2.8%	(78,742)	(80,922)
Total	**-2.3%**	**492,892**	**504,433**

Condensed Statement of Operations
For the year ended March 31, 2011 ($ thousands)

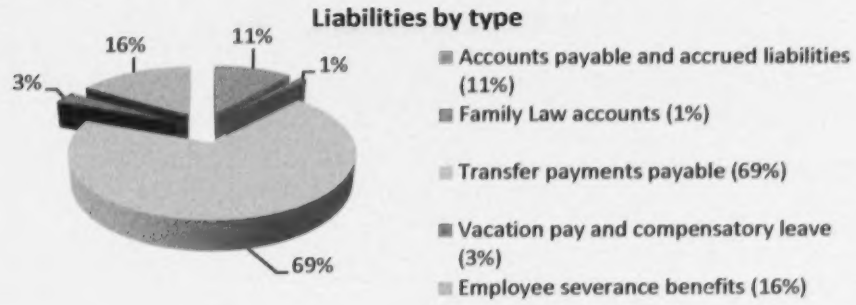
	% Change	2010-11	2009-10
Total expenses	4.8%	1,126,995	1,075,361
Total revenues	24.6%	337,646	270,948
Net cost of operations	**-1.9%**	**789,349**	**804,413**

Financial Highlights Charts/Graphs

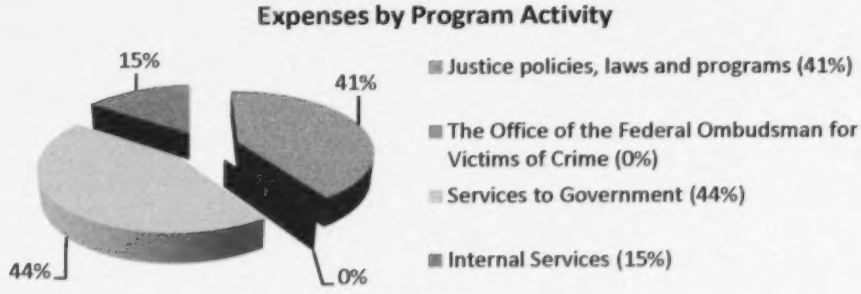
Total assets were approximately $493M at the end of 2010-11, a 2.3% decrease from the previous year's total. This is mainly due to a decrease in the Consolidated Revenue Fund of 4.6%. The Consolidated Revenue Fund represents 86% of total assets, at approximately $424M. Tangible capital assets represented approximately $44M or 9% of total assets, while receivables and advances represented approximately $24M or 5% of total assets.



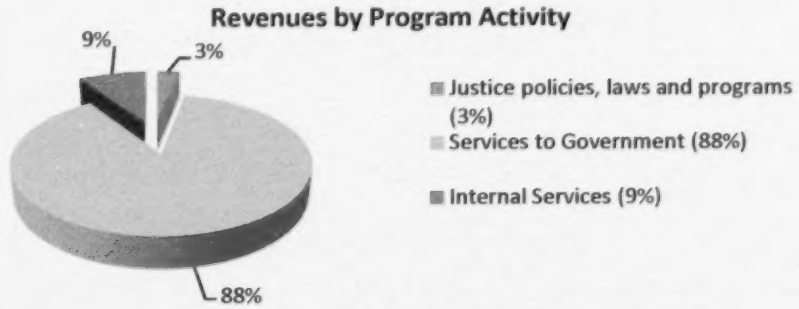
Total liabilities were $572M at the end of 2010-11, a 2.3% decrease from the previous year's total. Transfer payments payable represents the largest portion of liabilities at $392M or 69% of total liabilities, a 1.9% decrease over the previous year.



Total expenses for the Department were $1,127M in 2010-11, a 4.8% increase from the previous year's total. Of this amount, $497.4M or 44% of funds was spent on "services to government," while "Justice policies, laws and programs" represented $459.1M or 41% of total expenses. The increase of 8.9% for "services to government" represents the largest increase over the previous year.



The Department's total revenues amounted to approximately $337.6M for 2010-11, a 24.6% increase from 2009-10. Eighty-eight percent of departmental revenue was derived from services to government, a 23.9% increase over previous year.



Financial Statements

The Department's financial statements are available on the Justice Web site at: http://canada.justice.gc.ca/eng/dept-min/pub/dpr-rr/index.html.

List of Supplementary Information Tables

The following supplementary information tables can be found on the Treasury Board of Canada Secretariat's Web site at: http://www.tbs-sct.gc.ca/dpr-rmr/2010-2011/index-eng.asp.

- Details on Transfer Payment Programs
- Green Procurement
- Horizontal Initiatives
- Internal Audits and Evaluations
- Response to Parliamentary Committees and External Audits
- Sources of Respendable and Non-Respendable Revenue
- User Fees Reporting

SECTION IV: OTHER ITEMS OF INTEREST

Key Publications

The following information is available on the Justice Web site:

Canada's System of Justice: http://canada.justice.gc.ca/eng/dept-min/pub/just/
Canada's Consolidated Statutes and Regulations: http://laws.justice.gc.ca/en/index.html
Department of Justice Organizational Chart: http://canada.justice.gc.ca/eng/dept-min/chart.html
Department of Justice Programs and Initiatives: http://canada.justice.gc.ca/eng/pi/index.html
Key Publications: http://canada.justice.gc.ca/eng/dept-min/pub/index.asp
Careers at Justice: http://canada.justice.gc.ca/eng/dept-min/recru/index.html

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